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++ NEW YORK, TUESDAY, FEBRUARY 20, 1912. -Copyright, 1912, by the Sun Printing and Publishing Association.

GIVES OVER \$1,000,000 TO THE MUSEUM OF AR

prise After Annual Meeting of Metropolitan Members.

Likely That Only the Income Will Be Used-Robert W. de Forest as to Morgan Collect ons Here.

Rober A. de Ferest, second vice-president of he Metropolitan Museum of Art. appounced last night that Francis L. Leland, president of the New York County National Bank, has made an unconditional gift to the museum of 1,200 shares of the stock of that bank, valued at more than \$1,000,000.

The gift was announced by Mr. Leland to Mr. de Forest and J. Pier, ont Morgan, Jr , who at the conclusion of the annual meeting of the museum held yesterday afternoon were invited to call upon Mr Leland at his residence, 137 Riverside Drive, in regard to a gift to the museum When the gift was announced by Mr. Leland Mr. de Forest suggested it be made in the form of a letter and the following was handed to Mr. de Forest: February 19, 1912.

J. Fierpont Morgan, Esq., President Metro-politon Museum of Art.

DEAR SIR: I herewith make a gift outright of one thousand two hundred (1,200) shares of the New York County National Bank stock to the Metropolitan Museum of rt, without condition. Very truly yours, The quotation of New York County

National Bank stock yesterday was 850 hid and 900 asked. Mr. do Forest in speaking of the gift

While the gift is absolutely uncondi- now being 3.151. tional, the trustees of the museum, in my judgment, will hold it as a principal fund, the income of cluch will be used chiefly, not entirely, for the purchase of art."

The annual income of Mr. Leland's gift to the museum, it was estimated, will about \$48,000.

The appouncement of the gift came as surprise to every one connected with he museum, for Mr. Leland, although he has teer an annual member of the museum taying \$10 a year, had never intimate with those at the head of it. Mr. Leland is about 78 years old and a veteran of the civil war. He was one of the sixty-tour members of the tenth company of the Seventh Regiment who served

volunteers or in the regular army. Leland came out of the war a Lieuten--Colonel and is known to his friends af "Co!. Leland." Besides being president of the New York County National Bank, he is a director of the Manhattan Screw and Stamping Works, of Park & Tilford and of the United States Life Insurance ompany, and vice-president and a direcof the West Side Bank.

Mr. Leland spends much of his time at his villa, the Villa Tivoli, in Florence, taly. He married an Italian lady, Miss Adelaido Monte. His wife is now abroad. He is a member of the New York Yacht

b and the Loyal Legion. The gift made by him yesterday is one of the four largest received by the museum and the largest ever received in the life-

time of the donor. In the current number of the Bulletin the Metropolitan Museum of Art, out to-day, Mr. de Forest makes a statement in regard to J. Pierpont Morgan's art reasures and the museum. Mr. de Forest

The widespread publicity that has been given by the press to Mr. Morgan's transfer of his collections from the Victoria and Albert Museum in London to New York and the inferences drawn of his intentions toward our Metropolitan Museum call for some statement from his fellow trustees in his absence, to distinguish fact from fiction and to prevent public

isunderstanding. What we know is that for several years past Mr. Morgan has intended to assemble his native country his works of art that have been lent to European museums and that he has arranged to carry out this intention now as respects those in the Victoria and Albert and other Eurorean museums by bringing them to New

'Arrangements have been made by the age all that he sends and to display at least temporarily such of them as he may be willing to place on exhibition

of the new wing now approaching completion, which were originally intended further intentions we have no knowledge. Whether he intends to bring over more or less we do not know. Possibly he may not have made up his mind himself. His recent gifts to the museum have been numerous and generous in the extreme. His loans have been even more important The eighteenth century part of the Hoentschel collection was given; the Gothic part is lent; his unrivalled collection of

Chinese porcelains is a loan. What we do know is that even if the galleries which can now be used to show some of his treasures can be permanently devoted to the purpose, the space is utterly inadequate to exhibit all of them, and nothing short of another extension to the museum will suffice to do so. It would be a pleasant dream if Mr. Morgan would give his fellow citizens of New the notable objects of art which his taste

and wealth have enabled him to assemble." Attiong recent loans from Mr. Morgan announced yesterday at the museum are baintings which have just been placed view there. These include "The Virgin Adoring the Child with the Saints," by Pietro Vannuccio, called Perugino, from an English collection, and formerly owned ir George Sittwell; a portrait of the ertist by Macrino d'Alba, Italian school, 1499: "Adoration of the Magi," by Baremo Vivarini, Venetian school, 1431, from the Abdy collection, London, and a "Madenna and Child," by Fra Angelico, which was purchased by Mr. Morgan about three years ago, and which was formerly in the collection of the King of the Belgians.

Mr. Morgan has also lent the museum

a collection of 363 objects in gold, silver, bronze and glass, fifth to the eighth century, and two Greek marble lions of

The museum has just acquired from the collection formed by the late Francis Lathrop of this city 160 Japanese color Francis L. Leland Springs a Sur- prints, comprising characteristic works by all the more eminent designers save four. Fifty of these Japanese prints are exhibited temporarily in gallery 24.

At the forty-second annual meeting of the members of the corporation of the GIFT IS UNCONDITIONAL museum, which took place yesterday in WAS the board room, Joseph H. Choate presided in the absence of Mr. Morgan. The meeting was largely attended and among Astor Ballroom Was a Scene of Oriental the trustees present were Robert W. de Forest, George Blumenthal, Daniel C. French, William C. Osborn, J. Pierpont Morgan, Jr., William L. Andrews. Whitelaw Reid, Edwin D. Adams, Elihu Root,

George A. Hearn and John W. Alexander. Mr. Morgan was reelected president. Joseph H. Choate first vice-president and Robert W. de Forest second vice-president and secretary of the institution. These trustees were reelected to succeed themselves: Joseph H. Choate, George Blumenthal and Howard Mansfield.

The trustees reported the year 1911 a notable one in the purchase of important objects of art, for which \$562,984.11 was priated in a single year for purchases.

The expenditure for administration and maintenance during the year amounted to \$338,864.41. The city contributed \$200,-000 and \$7,411 was received from admis- phone yesterday afternoon. sions on pay days. The year closed with a deficit, which has since been made up form of a note from Courtenay Waiter Heike has been at large on \$15,000 bail. by special contributions of trustees.

year was 2,524 objects, of which 1.131 were association. As soon as he read it Mr. by gift or bequest and 1,393 by purchase. Of these fifty-three were paintings and

Auguste Rodin, the French sculptor, The attendance at the museum for the totals of several years. There has been British subject. gain of fifty-one members, the total

STEAMSHIP COMPANY LOSES.

North German Lloyd Must Stand Trial on Immigration Charge.

WASHINGTON, Feb. 19.-Under a decision of the Supreme Court to-day the North German Lloyd Steamship Com-Circuit Court for the Southern District of New York on an indictment charging teen in any way prominent in its affairs a violation of section 19 of the immigration law.

The court in an opinion read by Justice Lamar reversed the judgment of the United States Circuit Court by which that court quashed an indictment against the company.

The section of the immigration law under which the indictment was returned requires a steamship company that brings into any port of the United States immigrants of the excluded class to pay the they were brought. A penalty is provided for failure to return such immigrants within a given period.

Lloyd adopted the plan of selling tickets in Berlin for the round trip to the United The money for the return passage was held by the company in New York to be repaid to the immigrant should deportation not be ordered

When the North German Lloyd was indicted it argued that the contract for transporting the immigrants was made in Germany and that the immigration laws of the United States could not reach it because they had no extraterritorial effect. This view was sustained by the court, but the Supreme Court orders that the trial proceed under the indictment

ROW OVER PRICE COLLIERS.

Berlin Amazed at Court Honors to Man Who Slammed Germany in a Book,

Special Cable Despatch to THE SUN. BERLIN, Feb. 19.-According to the Tageblatt the court janitor must have been responsible for the invitation to the recent schleppencour and court bal of Price Collier, the American author and magazine editor, and his wife and daughter. Mr. Collier is widely known in Europe as a wealthy American man of let

The objection to the Colliers seems be based on an opinion expressed by Mr. night's "procession from the gates of Metropolitan Museum to receive on stor- Collier in his writings that "if a war Delhi," but Miss Holt said that the proshould occur in which Germany would be whipped by Great Britain, England had been informed that "the dear elewould be greatly benefited and that phant couldn't come." They will be shown in several galleries from his standpoint the sooner the war also as saying that the Germans have for other purposes. Of Mr. Morgan's taken the place of the English as the boors of Europe, and this statement the Tagelier is quoted by the Tageblatt as saying. in writing of the Germans, that in no capital of the Continent are the Germans Mrs. Gaynor. found otherwise than objectionable and A despatch from Washington last night e chastised.

President of the Reichstag.

respondent to-night said that he regretted trons. He did not attend, but was reprevery much that a few lines in his book sented by the wife of his naval attaché. had been construed to paint him as an enemy of Germany. The excerpts, he reviewed it had been expurgated. From said, gave no adequate idea of the actual it had been taken bodily a subway skit contents of the book as a whole. He was which was the only feature that could ber. He paid a fine for this offense. a student of two German universities have been construed as a travesty on the York the opportunity to see and enjoy and had taken a lifelong interest in the the Durbar of India. Its characters were literature and history of Germany, he to have been Father Knickerbocker, Miss

while the produce men attended eight weddings at St. Stanislas Polish Catholic Church near by. The eight couples arrived all about

the same time in taxicabs, carriages and street cars. The produce men gathered in force and when the procession of wedded ones emerged from the church they chested busiles.

DEWEY'S CLARET OR SAUTERNE PUNCH For all Social Functions. H. T. DEWEY & SONS CO., 138 Fulton Street, N. Y. -Adv.

MUCH PHONE TALK BEFORE DURBAR FETE

Ambassador Bryce Wanted to Know if It Would Burlesque the Real Thing.

SATISFIED BY WIRE

Splendor-One Travesty Cut Out

durbar fête which was held at the Hotel to a burlesque on the real durbar and if Heike resigned his office and took an apexpended, the largest sum ever appro- the list of patrons and patronesses, caused was applied to for a writ of certiorari for President John Finley of the City College a review of the Court of Appeals ruling. and Miss Winifred Holt, who ran the affair, to spend a lot of time at the tele-

The message was transmitted in the Bennett, the Consul-General here, who Finley got to the telephone to tell Miss Heike. Winifred Holt, secretary of the associa-tion, about it. Miss Holt has been toiling for some time to make last night's has been made an hone were follow of the affair a money raiser for a new "lightmuseum and the name of Joseph Pulitzer house" for the blind and she wasn't gohas been added to the list of benefactors. ing to have the Ambassador suffer under the impression that the durbar could in year was 702,801, a decrease from the any way give offence to the most loyal

She called up Ambassador Bryce on the long distance telephone while Dr. Finley was talking over the telephone to Mr. Bennett at the Hotel Majestic, and exjust what sort of an affair the durbar was to be. She told him that it was just fun and that the King and Queen were not to be represented, and after this had gone over the wires to Washington Mr. Bryce said he understood exactly and pany must stand trial in the United States that Miss Holt must forget that he hadever written that note and keep his name and that of his wife on her lists by all means. It was simply to find out what the durbar was really to be that he had written, said the British Ambassador. Dr. Finley was hearing the same thing from Mr. Bennett, so all was calm when the durbar was ready to begin last night.

Miss Holt said at her home later: "It's so absurd, the idea that our durbar fête could offend any one, least of all my dear friend Mr. Bryce, that I can hardly No doubt it was started by some unfriendly person-perhaps expenses of such immigrants during some one who was not invited to be a paheir detention in this country and to tron or a patroness. The King and Queen return them to the country from which are not represented in our costume party. It was suggested some time ago that they ought to be, but we refused to accept the suggestion.

"It isn't a durbar we're giving; it's just a simple bit of nonsense as a part of what is really our annual hall for Mr. and Mrs. Bryce were put on our list because they have been immensely interested in our work. I know they could not attend, for the Ambassador reminded me that he couldn't because the English court is in mourning for the Duke of Fife. They had to decline for the same reason to join a party that is dining at my home this evening before going to the Astor.

To prove that the spectacle at the Astor was just an unpretentious bit of fun Miss programme

> No durbar here have we. A lete from oversea. Soldlers have they, so we. Great people, so have we. Music to gladden our hearts. Stars to present their arts And when this all is o'er Gladden you hearts once more For in treading a measure. Absorbed in our pleasure We help the blind to see.

Oh, dear no! I didn't write it," protested Miss Holt. "Think of me sitting here reading poetry to newspaper men!" It had been advertised that a "300 tor elephant" would be followed by 300 men and women in Eastern costume in last cession would have to lead itself, as she

The announced honorary patrons and came the better." Mr. Collier is quoted patronesses, besides Mr. and Mrs. Bryce, were President and Mrs. Taft, the French Ambassador and Mme. Jusserand, the German Ambassador and Countess Bernblatt finds most objectionable. Mr. Col- storff, the Secretary of the Treasury and Mrs. MacVeagh, Justice and Mrs. Hugher, that Charles Goldberg, a newsboy, take Governor and Mrs. Dix and the Mayor and

that no tears would be shed if they should said that Ambassador Bryce, declined to placed on file. comment on the report that he had with-The Tageblatt contrasts the reception drawn his name as a patron of the Durbar act as one of the patrons. Ambassador Mr. Collier when seen by THE SUN cor- Jusserand of France was one of the pa-

When the Astor Durbar was finally Manhattan, the Nazam of Tammany, the Eight Weddings in an Hour in One
Church.

PITTSBURG, Feb. 19.—Business in the wholesale produce yards was suspended wholesale produce yards was suspended between S and 9 o'clock this morning.

cut out.

With the artistic superintendence of Richard H. Hunt and his brother, Joseph H. Hunt, the grand ballroom of the Astor was resplendent with rich Oriental stuffs which were hung along the balconies, and the Gates of Delhi were faithfully

Continued on Second Page

Spend Washington's Birthday at VIRGINIA HOT SPHINGS. in leaves Penn. R. R. Station 5:08 P

HEIKE MAY GET NEW TRIAL THE INITIATIVE AND

Gerbracht Must Serve His Sentence-Decision in Sugar Fraud Cases.

WASHINGTON, Feb. 19.-The United States Supreme Court to-day granted the application for a writ of certiorari made by Charles R. Heike, former secretary of the American Sugar Refining Company. convicted in the United States court for the southern district of New York in connection with the sugar frauds. The application of Ernest W. Gerbracht was

Charles R. Heike, the secretary and treasurer of the American Sugar Refining Company, was the only executive officer of that corporation who was convicted of complicity in the sugar underweighing frauds at the docks of the A message from James Bryce, the Brit- Havemeyers & Elder refinery in Williamsish Ambassador, sent to the heads of the burg, involving more than \$2,000,000 After nearly four weeks on trial Heike Astor last night for the benefit of the September 19 following was sentenced was convicted on June 10, 1910, and on New York Association for the Blind, in by Judge Martin of the Federal District which the British Ambassador wanted Court to serve eight months on Blackto know if the performance amounted well's Island and to pay a fine of \$5,000. it did would they kindly withdraw his peal. The Circuit Court of Appeals sustained the lower court, whereupon name and the name of Mrs. Bryce from the Supreme Court of the United States

> Heike's main reliance on appeal has been the contention that he earned immunity by producing documentary evidence before the Grand Jury as well as giving testimony. Since he was sentenced

Ernest W. Gerbracht, former super The total number of accessions in the sent it to President Finley, head of the intendent of the Havemeyers & Elder refinery, was tried and convicted with He was sentenced to two years at Atlanta and a fine of \$5,000. Gerbracht must now serve this sentence.

ROOSEVELT TO ACCEPT.

Will Soon Reply to the Call Addressed to Him by Eight Governors.

WASHINGTON, Feb. 19.—Definite information from New York was obtained here to-day that Col. Roosevelt will within ten days make reply to the call addressed to him by the eight Governors plained to the Ambassador at Washington and that he will from that time be in the race against President Taft without reservation. The progressives have been nervous since the collapse of the La Follette boom. Practically all of them have served notice on Senator La Follette that they have decided to turn to Roosevelt. As time has passed and no announcement came from Oyster Bay the progressives have become restless.

> If Roosevelt should decide not to be a candidate it would leave them in a most unhappy position, but their fears were dispelled to-day by positive assurance that they could expect the announcement probably as early as next Monday, certainly within ten days, and that after that the country will have no reason to doubt that Col. Roosevelt is a candi date or, as he will say, willing to accept.

Col. Roosevelt's reply to the Govern ors is not expected to be a long document. In fact it is understood it will be very brief and simply repeat the substance of what he has said to many callers and has written to many friends throughout the country, that while he declines to be an active candidate and

LITTLE LAWRENCE GIRL LOST.

One of Mill Strikers' Children Wandered for Hours in The Bronx.

Carmelia Russo, 11 years old, one of the group of strikers' children who brought here from Lawrence, Mass., on February 10, was found at 8 o'clock last night crying in front of a bakery at 4387 Third avenue. The girl Holt read to the reporters this bit of told the police she was brought here rhyme, printed on the cover of last night's with two brothers. Anthony, 9, and Joseph, 10, and had been staying with a family in East 183d street. The only name she could remember was Tony.

Carmella was sobbong and to women who gathered around her said she was lost and hungry. They gave her all the cakes she could eat and then notified the Tremont police station. The child was well clothed and wore earrings and a ring, which she said she got from the family in 183d street. The police took he rto the Children's society rooms for

DEPUTY SHERIFF GOES TO JAIL Shorey Gets Three Months for Carryin

Pistol in Boston. BOSTON, Feb. 19 .- Deputy Sheriff John

Shorey from Conway, N. H., was sentenced to three months in the House of Correction by Judge Sanderson of the Superior Criminal Court to-day for carrying a revolver in Boston contrary to

Shorey came to Boston on January 26 On the way down on the train he insisted a drink with him, so the Government alleged, and when the boy refused Shorey ripped his coat. This complaint was

Arriving in Boston, Shorey thought the courtesy among officers of the law enof the author of these sentiments with fete. President Taft, so far as the White titled him to carry a pistol. He told the the refusal of the Kaiser to receive the House record shows never consented to Judge in the Municipal court so after he had pleaded guilty to the complaint. He was sentenced to three months in

the lower court and appealed. Last summer Shorey got into similar trouble here. He said a man attempted to rob him and that shots he (Shorey) fired were for the purpose of scaring the rob-

PHOTOGRAPH IN BOMB CASE. Miller Has Evidence That Ironworkers

Recognized Programme.

INDIANAPOLIS, Feb. 19.-United States District Attorney Miller has a photograph of a resolution regarding dynamiting adopted at the international convention between 8 and 9 o'clock this morning Gaynor and others, not forgetting the of the ironworkers union at Rochester, while the produce men attended eight Public Service Commission. All this was N. Y., in 1910, which shows that the dynamics of the produce men attended eight Public Service Commission. miting programme was accepted as a fact by the delegates. The resolution Resolved. That no more bombs or explo-

> convention is in session. The sessions of the iron workers' conventions are secret, but the proceedings are printed. When Mr. Miller's atten-tion was called to the resolution he said it was a matter he was not at liberty to

REFERENDUM UPHELD

U. S. Supreme Court Refuses to Declare Them Unconstitutional.

APPEAL FROM OREGON CASE

Court Decides the Question to Be Political and Not Cognizable by the Judicial Power.

WASHINGTON, Feb. 19.-The Supreme Court of the United States to-day declined to declare invalid laws of a sovereign State passed through the initiative and referendum.

The case arose in Oregon, where the popular theories of government have gone further perhaps than in any other State in the Union. The State passed a law taxing the gross income of certain corporations. The law was passed as a result of the initiative and referendum. The Pacific States Telephone and Telegraph Company, a corporation doing business in Oregon, was assessed. It refused to pay the taxes and was sued in the courts. The defence by the corporation was that legislation passed as a result of the initiative and referendum was unconstitutional.

Judgment was awarded against the corporation in the local court of the State of Oregon and the judgment was afterward affirmed by the Supreme Court of Oregon.

The case came to the Supreme Court of the United States on a writ of error from the Supreme Court of Oregon. The arguments that were submitted very early in the present term called out many questions from the Chief Justice and other members of the court and resulted in colloquies that clearly foreshadowed the court's decision

The contention of the attorneys for the corporation was that legislation by the initiative and referendum was not a republican form of government such as is guaranteed by the Constitution of the United States. Other questions were raised, among them that the equal protection of the laws had been denied the corporation in that it was being taxed under a law passed by the initiative and referendum method, while most of the other statutes of Oregon providing for imposition of taxes were passed in the usual way through the Legislature without popular intervention. But the main controversy raged around the question whether legislation by the initiative and referendum is a republican form of gov-

The Supreme Court to-day, in its unanimous opinion read by Chief Justice White. held that the "issues presented in their very essence are and have long since by this court been definitely determined to be political and governmental and embraced within the scope of the powers conferred upon Congress and not therewill make no personal effort to secure fore within the reach of judicial power. the nomination he will accept if his party It follows that the case presented is not within our jurisdiction.

At the very outset of the opinion the Chief Justice disclosed the court's view in the following statement:

We premise by saying that while the controversy which this record presents is of much importance it is not novel. It is imnortant since it calls upon us to decide whether it is the duty of the court or the province to determine when a State govern-ment has ceased to be republican in form and to enforce the guarantee of the Con as that question has long since been deter mined by this court, conformably practice of the Government from the beginning to be political in character and there fore not cognizable by the judicial power, but solely committed by the Constitution to the judgment of Congress.

The decision in the case has been awaited with vital interest by the States that have the initiative and referendum and to-night there is great rejoicing among many folks from the West. Advocates of this form of government say the Supreme Court's decision to-day will be of great benefit to them in their efforts to spread the propaganda.

DUTY ON MRS. LEEDS'S PEARLS.

U. S. Supreme Court Decides That It

Should Have Been at 10 Per Cent. WASHINGTON, Feb. 19.-The Supreme Court in an opinion by Justice Hughes to-day held that the pearls imported for Mrs. William B. Leeds should pay duty at 10 per cent. as pearls "in their natural state, not set or strung" instead of at the rate of 60 per cent, under the jewelry paragraph, as claimed by the Govern

The opinion affirms the judgment of the Court of Appeals, Second Circuit. The pearls were valued at \$340,000, and the amount involved in duties was about \$250,000.

The pearls that involved Mrs. William B. Leeds in a contest with the Government were bought from Bernard Citroen in Paris in 1908. There were thirty-seven of them, they cost \$340,000 and the dealer agreed to deliver them here. So the cost price included an allowance for duty When Citroen delivered them to Mrs. Leeds at Newport the pearls were unstrung and were appraised by the customs officers here as individual pearls dutiable at the rate of 10 per cent. The Collector rejected that appraisal and levied the full duty of 60 per cent. on the ground that the pearls were a necklace that had been taken apart for importation.

A week after the payment by the importer of the 10 per cent. duty originally assessed the Collector demanded the additional 50 per cent., amounting to, \$110,000, which Citroen paid under protest at the same time asking that the entire amount of the duty, \$132,000, be refunded and permission given him to take the pearls sives of any kind be exploded while this back to France. This demand was re-

In the suit that followed the lower courts decided against the Government.

Affection of the Throat Renders Recourse to Surgery Necessary.

WASHINGTON, Feb. 19 .- Julia Marlowe, who played here with her husband, E H. Sothern, the past week, was operated on at the Episcopal Eye, Ear and Throat Hospital this afternoon for a slight affection of the throat. It was said at the hospital to-night that while the operation was delicate and painful it was not dangerous and was performed to oure a trouble of long standing, which was brought to an acute stage by the change

able weather here in the past week. Mr. Sothern was unable to remain in Washington to-day, his company being billed to play in Richmond to-night Miss Leonora Chippendale, Miss Marlowe's understudy, will appear in her rôles until Miss Marlowe rejoins the company, which it is expected will be in about a week

Jury Rejects the Contention That His

Lost Land Just Went to Sea. A jury before Supreme Court Justice Brady returned a verdict for \$19.058 yesterday in a suit of J. Ogden Armour against the Sound Front Improvement Company. The plaintiff bought a tract of land on Staten Island Sound and near Raritan Bay for a fertilizer plant. After the land had been partly prepared for use it was resurveyed and the plaintiff found that instead of over seventeen acres he had less than fifteen. The error in measurement was not alleged to be intentional

The defence was that the tract origi nally contained all the land for which Mr Armour paid, but that in the process deepening the channel two acres had slid into the sound. The jury rejected this

NO MORE "DON'T KNOW."

Information Hereafter for Passengers When There's Railroad Troubles.

The superintendent of the Long Island conductors, trainmen and station agents to make every effort to ascertain the cause of any sudden interruption of train service and answer freely and courteously all quesions asked by intending passengers as to causes and probable duration of delays Arrangements have been made to have the despatcher's office in Long Island City send out such information to train men and station agents as early as pos-

CAPT. GIBBONS NOT TO QUIT.

Denied There Is Friction Between Navy

Department and Head of Academy. WASHINGTON, Feb. 19. -The Acting Secretary of the Navy to-day denied reports from Anaapolis to the effect that as a result of friction between Capt. John H . Gibbons, superintendent of the Naval Academy, and the Navy Department Capt. Gibbons had asked to be relieved

of his office. These reports appear to have been based on the fact that the Navy Department recently failed to approve the indorsement of Capt. Gibbons to the recommendation of the academic board that two mid-

shipmen be dismissed from the academy. Each has been given by the board the maximum of demerits for smoking and variously at \$200,000 to \$1,000,000. As the other violations of the regulations of the bail for Gardner had been accepted withinstitution. The Department did not hold their offence serious enough to warrant dismissal.

TO FLY ACROSS ATLANTIC.

Atwood Thinks He Can Make Trip in 30 Hours With One Stop.

LYNN, Mass., Feb. 19 .- "Believing that can best prove that the aeroplane has come to stay by making a flight across the Atlantic, I shall attempt such a trip in the early part o May," said Harry N.

"I believe I have the machine that will

ecomplish this feat in thirty hours with

out one stop under favorable conditions. Atwood confessed that the machine wou'd probably be larger than any previously flown in this country. He said he would carry sufficient gasolene to make a 900 mile continuous flight and when he found his fuel getting low would make a landing near some ocean liner. He declares that there will be about twenty liners on the ocean at that season of the

up one of them. Two men will accompany him on the flight, one a mechanic and the other a man acquainted with the sea, who will be able to show him how best to ride out a

gale if one should be encountered. Plans for the improved type of hydroaeroplane which he will use have been completed and the work of building is

said to have begun. A lifeboat will be the only baggage except a small supply of food.

THREE NEGROES LYNCHED.

Mob Seizes Alleged Slayers on Way From Court to Jail.

CHATTANOOGA, Tenn., Feb. 19.-David Neill, David Bomar and Watt Greer, negroes charged with killing Special Officer S. W. Everson of the Nashville, Chattanooga and St. Louis Railroad and throwing his body from the train at Bell Buckle ten days ago, were taken from officers in the court house at Shelbyville by a mob to-day and beaten to death with sandbags and clubs. Their bodies were then

riddled with bullets. The lynching took place just after their attorney, W. S. Crowell, had waived examination to the Circuit Court. The officer were returning the negroes to jail when by what appeared to be a prearranged plan the mob moved upon the men and

ARMY AVIATOR INJURED.

Lieut. Kennedy Breaks Ribs and Arm in Fall Near Augusta. AUGUSTA, Ga., Feb. 19.-Liuet. Kennedy

of the United States army aviation school. which is operating near here, was badly injured this afternoon when his Curtiss aeroplane turned turtle at a height of 100 feet and crashed to the ground. He was caught under the machine and several ribs and his left arm were broken.

He recovered consciousness two hours He recovered consciousness two hours after the accident, but could give no clear explanation of the mishap.

JULIA MARLOWE OPERATED ON. HERMIT'S COUSIN ACTS IN WILL FRAUD CASE

PRICE TWO CENTS.

Mrs. Samuel Moves in Court to Have Committee Take Haslett in Charge.

TELLS OF DIRT IN HOUSE

Takes Issue With Lord-Gardner Now Faces Felony Charge-Nurse Decker Once in Tombs.

Mrs. Ellen Haslett Samuel as "one of the next of kin" of Samuel E. Haslett, the Brooklyn recluse said to be the viotim of a sensational will conspiracy. J. O. ARMOUR'S SLIDING ACRES. obtained an order from Judge Lewis L. Fawcett in the Brooklyn County Court yesterday directing ex-Senator Frank J. Gardner, Attorney John B. Lord and other opposing interests to appear in court on Friday and show cause why & committee should not be empowered to take charge of Haslett's property and person and make proper inquiry as to the wealthy old man's incompetency.

> Judge Fawcett also granted a stay which in effect enjoins until Friday the power of attorney held by Lord and the one that Gardner secured from the hermit. This means that Haslett himself is legally in charge of his person and prop-

> Mrs. Samuel's attorney, S. Stanwood Menken, said that the committee preferably should consist of some Brooklyn trust company and one individual.

Both Mrs. Samuel and her husband. Lionel Samuel. who is vice-president of the commission firm of Rojas & Co., with offices in the Whitehall Building. tell of recent visits to Haslett's house at 138 Remsen street, of lack of heat and of Railroad has issued an order requiring filthy conditions at variance, they say with the statements of Attorney Lord. and of seeing many evidences of Haslett's mental and physical incompetency.

Coincidently with these developments Gardner, who originally was arrested on a simple charge of conspiracymisdemeanor-found upon appearing for hearing in the Adams street court that a new and more serious charge, of conspiring with intent to defraud by obtaining the signature of Haslett to two wills and the power of attorney, had been lodged against him. This raises his aleged offence to the degree of a felony. The court forthwith advanced Gardner's

bail from \$3,000 to \$6,000. Chief Magistrate Kempner accepted as bail property offered by Minerva J. Mc-Bride of 243 Lawrence avenue, Brooklyn, on the northeast corner of Ocean Parkway and Lawrence avenue and valued at

Harold Norris, representing the National Surety Company of 115 Broadway, Manhattan, was present at the Adams street court, where the examination was continued until next Monday forenoon at 10 o'clock, to go on the \$2,000 bail bond asked for Decker, the young nurse, who is accused of having helped Gardner in the alleged effort to obtain control of Haslett's estate, which has been estimated out question Decker and his lawyers seemed to take it for granted that Decker also would walk out of the court room when the surety company's representative had

signed the bail bond. But although the Brooklyn District Attorney's office had not objected to the Gardner bail, Assistant District Attorney Lee, representing District Attorney Cropsey of Kings county, stepped forward to say that the District Attorney in the matter of the Decker sail bond meant to exercise the constitutional right to hold up the bail bond for forty-eight hours "to inquire into the validity" of the bail bond. Inasmuch as National Surety bail bonds are accepted right and left, the supposition is that the District Attorney is holding up the bond for reasons that have to do with Decker rather

than with the bond. While Decker's attorneys, W. C. Cowan and William M. Byrne, spent the day unsuccessfully trying to persuade District Attorney Cropsey to accept the bail offered for their client, word came out year and it will be an easy matter to pick from the Federal Building. Manhattan, that Decker last December had spent a day in the Tombs at the time of the inquiry into an alleged attempt at jury bribing in the trial of George Graham Rice and his associates in the brokerage concern for using the mails

to defraud. Decker and a young woman said to be Miss Valentine Peake, one of the nurses installed at the Haslett home by Gardner last Friday, were joking with the newspaper men in the prisoners' room of the. court yesterday afternoon while Lawyers Cowan and Byrne were pleading for acceptance of the Decker bail when THE Sun reporter asked Decker suddenly to tell about his incarceration in the

Tombs. His gavety fled immediately and he would not answer personally, but waited until Lawyer Byrne had returned. Mr Byrne thereupon dictated to the reporter the following statement:

Mr. Decker is the same man mentioned as connected with the George Graham Rice trial, but he never was arrested for bribers or attempting to bribe Juror 2 or any other juror in the Rice case, but he was detained for one day in the Tombs as a witness in regard to the alleged attempts of bribery in the Rice case and afterward re'eased

"How was he connected with Rice and the Scheftel case?" Lawyer Byrne was asked, while Decker stood within hearing. "I don't care to state," was the answer.

According to records in the [Federal Building, Decker spent not only one but eight days in the Tombs in connection with the Rice case now going on, but the United States Attorney's office yesterday made much mystery of Decker's part in the case. The facts seem to be that Decker was called as a witness for the Government and that he refused to testify. As a material witness he was locked up in the Tombs for eight days last December. He was released, but still did no testify. Rice on the other hand said yesterday afternoon that it was on Decker's statements to the Government authorities that Rice was refused the privilege of the proper at large on bail and was that Rice was refused the privilege of being longer at large on bail and was taken to the Tombs at the conclusion of each day's session. Rice further said that Decker told the District Attorney